

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:02CR16-2

ROSCOE M. REDMAN,
Defendant.

ORDER/OPINION

On the 29th day of June 2006, came the defendant, Roscoe M. Redman, in person and by his counsel, L. Richard Walker, and also came the United States by its Assistant United States Attorney, Shawn Angus Morgan, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on June 22, 2006, alleging Defendant Violated Conditions of his Supervised Release as follows:

1. The defendant shall participate in the Community Corrections Program at Bannum Place of Clarksburg, West Virginia, for a period of six months. During this six-month period at Bannum Place, the defendant shall abide by and comply with all of the rules and regulations of that facility.

On May 9, 2006, the defendant was transported to the Bannum Place of Clarksburg, West Virginia, to serve a period of six months pursuant to the Court's Order modifying the defendant's supervised release conditions. On June 22, 2006, Ms. Carrie Cockrell, Director of the Bannum Place of Clarksburg, submitted an incident report . . . to the United States Probation Office indicating that the defendant had quit his job at 3:35 am on June 22, 2006 and returned to the facility. At that time, the defendant submitted to a breathalyser test which indicated the defendant's BAC was .034. Another test was administered 15 minutes later and the defendant's BAC was .039. A final test was administered at 4:05 am and the defendant's BAC was .035. The director advised that due to the defendant's violation of the program rules that he is not longer suitable for the program and his participation in the program is terminated.

By Order dated June 23, 2006, United States District Judge Robert E. Maxwell ordered an arrest warrant be issued for Defendant on the above charges.

Prior to the taking of evidence, Defendant waived the preliminary hearing and conceded probable cause existed to forward this revocation matter to United States District Judge Robert E.

Maxwell for hearing and disposition.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated the conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed June 22, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violation alleged in the Petition for Warrant or Summons for Offender Under Supervision filed June 22, 2006.

It is further **ORDERED** that Defendant be remanded to the custody of the United States Marshal pending further proceedings in this matter.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: June 29, 2006

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE